



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/759,991

01/16/2004

Toshiaki Noguchi

17361

8684

23389

7590

10/31/2007

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

RAPILLO, KRISTINE K

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,991	Applicant(s) NOGUCHI ET AL.	
	Examiner Kristine K. Rapillo	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/2004; 5/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 21 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3 – 4, 6 – 7, 9, 13 – 14, 16 – 18, and 20 - 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Cole et al. (U.S. Patent Publication Number 2003/0078810 A1).

In regard to claim 1, Cole et al. teaches a nursing work support system comprising: an information obtaining section for obtaining area information relating to a plurality of medical work areas (paragraph [0115]) where Cole et al. discloses an application in which locations are identified for patient occupation; and a portable terminal section carried by a nurse for communicating with the information obtaining section and acquiring area information relating to the plurality of medical work areas obtained by the information obtaining section (paragraph [0020]).

In regard to claim 3, Cole et al. teaches a nursing work support system according to claim 1, wherein the information obtaining section comprises: a plurality of information input terminals disposed in the plurality of medical work areas (paragraph

Art Unit: 4137

[0020]); and an information managing section for managing information input by the plurality of information input terminals and transmitting same to the portable terminal section (paragraph [0020]).

In regard to claim 4, Cole et al. teaches a nursing work support system according to claim 1, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 6, Cole et al. teaches a nursing work support system according to claim 3, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 7, Cole et al. teaches a nursing work support system according to claim 4, wherein the plurality of medical work areas comprise at least a patient pre-

Art Unit: 4137

examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], and [0116]).

In regard to claim 9, Cole et al. teaches a nursing work support system according to claim 6, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], [0116]).

In regard to claim 13, Cole et al. teaches a nursing work support system according to claim 3, comprising an area use status display section for displaying information about the use status of each of the plurality of medical work areas (paragraph [0073]).

In regard to claim 14, Cole et al. teaches a nursing work support method comprising: an information obtaining step of obtaining area information relating to a plurality of medical work areas by means of an information obtaining section (paragraph [0115]); and an area information display step of communicating with the information obtaining section and displaying the area information relating to the plurality of medical work areas obtained in the information obtaining step, on a portable terminal section which can be carried by a nurse (paragraph [0020]).

In regard to claim 16, Cole et al. teaches a nursing work support method according to claim 14, wherein the information obtaining step comprises: an information managing step of managing information input by a plurality of information input

Art Unit: 4137

terminals disposed in the plurality of medical work areas, and transmitting same to the portable terminal section (paragraph [0020]).

In regard to claim 17, Cole et al. teaches a nursing work support method according to claim 14, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053], [0054], and [0074]). Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

In regard to claim 18, Cole et al. teaches a nursing work support method according to claim 17, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051], [0055], and [0116]).

In regard to claim 20, Cole et al. teaches a nursing work support method according to claim 16, comprising an area use status display step of displaying information about the use status of each of the plurality of medical work areas (paragraph [0073]).

In regard to claim 21, Cole et al. teaches a nursing work support system comprising: information obtaining means for obtaining area information relating to a plurality of medical work areas (paragraph [0115]); and portable terminal means carried

Art Unit: 4137

by a nurse for communicating with the information obtaining means and acquiring area information relating to the plurality of medical work areas obtained by the information obtaining means (paragraph [0020]).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. in view of Kuno (U.S. Patent number 5,802,494).

In regard to claim 2, Cole et al. teaches a nursing work support system according to claim 1 using a portable terminal (paragraph [0020]).

Cole et al. does not teach a system wherein the information obtaining section comprises: an area image-pickup section for capturing images of the medical work areas and an information transmission section for transmitting image information captured by the area image-pickup section, to the portable terminal section.

Kuno teaches a system where an area image-pickup section for capturing images of the medical work areas (column 3, lines 33 – 35) where the medical work area is a sick room; and an information transmission section for transmitting image information captured by the area image-pickup section (column 4, lines 8 – 10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system with an area image-pickup section for capturing images of the medical work areas and an information transmission section for transmitting image information captured by the area image-pickup section, to the portable terminal section as taught by Kuno with the motivation of enabling a healthcare provider the ability to monitor a patient from a remote location (column 1, lines 49 – 53).

In regard to claim 5, Cole et al. teaches a nursing work support system according to claim 2, wherein the plurality of medical work areas comprise at least an endoscopic examination room and an endoscope preparation room (paragraphs [0053] and [0054]).

Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any type of examination and preparation room because the type of room does not functionally relate to the system claimed and because the subjective interpretation of the rooms does not patentably distinguish the claimed invention.

In regard to claim 8, Cole et al. teaches a nursing work support system according to claim 5, wherein the plurality of medical work areas comprise at least a patient pre-examination waiting room and a patient post-examination recovery room (paragraphs [0051] and [0052]).

Cole et al. does not expressly show an endoscopic examination room or endoscope preparation room. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical work areas would include an examination room and preparation room regardless of the medical procedure.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any type of examination and preparation room because the type of room does not functionally relate to the system claimed and because the subjective interpretation of the rooms does not patentably distinguish the claimed invention.

In regard to claim 15, Cole et al. teaches a nursing work support method according to claim 14, using a portable terminal (paragraph [0020]).

Cole et al. does not teach a system wherein the information obtaining section comprises: an area image-pickup section for capturing images of the medical work areas and an information transmission section for transmitting image information captured by the area image-pickup section, to the portable terminal section.

Kuno teaches a system where an area image-pickup section for capturing images of the medical work areas (column 3, lines 33 – 35) where the medical work area is a sick room; and an information transmission section for transmitting image information captured by the area image-pickup section (column 4, lines 8 – 10).

The motivation for combining the teachings of Cole et al. and Kuno is discussed in the rejection of claim 2, and incorporated herein.

4. Claims 10 – 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. and further in view of Hehenberger et al. (U.S. Patent Publication Number 2003/0083902 A1).

In regard to claim 10, Cole et al. teaches a nursing work support system according to claim 4.

Cole et al. fails to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraphs [0030] and [0035]). Hehenberger et al. does not

Art Unit: 4137

expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device as taught by Hehenberger et al. with the motivation of providing a system to sterilize medical equipment using an automated process via a computer network (paragraph [0006]).

In regard to claim 11, Cole et al. teaches a nursing work support system according to claim 5.

Cole et al. fails to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the

Art Unit: 4137

reprocessing device (paragraph [0028]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al. and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

In regard to claim 12, Cole et al. teaches a nursing work support system according to claim 6.

Cole et al. fails to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraph [0028]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system

Art Unit: 4137

recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al. and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

In regard to claim 19, Cole et al. teaches a nursing work support system according to claim 17.

Cole et al. fails to teach a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device.

Hehenberger et al. teaches a system wherein a reprocessing device for cleaning and sterilizing endoscopes is provided in the endoscope preparation room, and the information obtaining section obtains at least information about the operation of the reprocessing device (paragraph [0028]). Hehenberger et al. does not expressly show the sterilization of an endoscope. However, this difference is only found in the nonfunctional descriptive material and are not functionally involved in the system recited. The medical equipment undergoing sterilization would include an endoscope based on the medical procedure.

The motivation for combining the teachings of Cole et al. and Hehenberger et al. is discussed in the rejection of claim 10, and incorporated herein.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lubin et al. (U.S. Patent Number 5,991,730) discloses a system for automatically tracking a patient through a medical facility.
- Wildman et al. (U.S. Patent Publication Number 2004/0193449 A1) discloses a system to track equipment use through a medical facility, and the means for updating and receiving information in regards to the medical devices.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristine K. Rapillo whose telephone number is 571-270-3325. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR


AKM ULLAH
SUPERVISORY PATENT EXAMINER